

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 00J50501		DATE OF AWARD 03/27/2014
			MODIFICATION NUMBER: 2		
			PROGRAM CODE: DE		MAILING DATE 03/27/2014
			TYPE OF ACTION No Cost Amendment		
PAYMENT METHOD:			ACH# X0069		
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423		
RECIPIENT:			PAYEE:		
Makah Indian Tribe of the Makah Indian Reservation P.O. Box 115 Neah Bay, WA 98357 EIN: [REDACTED]			Makah Indian Tribe of the Makah Indian Reservation, Washington P.O. Box 115 Neah Bay, WA 98357		
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST	
Dana Sarff P.O. Box 115 Neah Bay, WA 98357 E-Mail: (b) (6) Phone: 360-645-3151		Lucita Valiere 1200 Sixth Avenue, Suite 900, AWT-107 Seattle, WA 98101 E-Mail: Valiere.Lucita@epamail.epa.gov Phone: 206-553-8087		Cathy Reese 1200 Sixth Ave., Suite 900, OMP-145 Seattle, WA 98101 E-Mail: Reese.Cathy@epa.gov Phone: 206-553-6286	
PROJECT TITLE AND EXPLANATION OF CHANGES Makah Sustainable Fishing Fleet Project This amendment makes the following changes to the agreement: 1) Extends the project/budget periods to 3/31/2015; 2) Approves the revised workplan dated 3/11/2013; 3) Updates two Administrative Conditions.					
BUDGET PERIOD 10/01/2011 - 03/31/2015		PROJECT PERIOD 10/01/2011 - 03/31/2015		TOTAL BUDGET PERIOD COST \$957,767.00	
				TOTAL PROJECT PERIOD COST \$957,767.00	
NOTICE OF AWARD					
Based on your Application dated 09/07/2011 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$. EPA agrees to cost-share 78.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$750,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS		
EPA Region 10 Mail Code: OMP-173 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			U.S. EPA, Region 10 Office of Air Waste and Toxics 1200 Sixth Avenue, Suite 900 Seattle, WA 98101		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Cathy Reese - GIA Specialist					DATE 03/27/2014

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 750,000	\$	\$ 750,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 207,767	\$	\$ 207,767
Allowable Project Cost	\$ 957,767	\$ 0	\$ 957,767

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.039 - National Clean Diesel Funding Assistance Program (B)	Energy Policy Act 2005 Public Law 109-58	40 CFR PART 31

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$70,439
2. Fringe Benefits	\$21,642
3. Travel	\$4,800
4. Equipment	\$0
5. Supplies	\$2,652
6. Contractual	\$858,234
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$957,767
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>22.00</u> % Federal <u>78.00</u> %.)	\$957,767
12. Total Approved Assistance Amount	\$750,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$750,000

Administrative Conditions

Administrative Conditions #3 and #18 are updated as follows:

3. Federal Financial Report (FFR)

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/financeservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: **US EPA, LVFC, 4220 S. Maryland Pkwy Bldg C, Rm 503, Las Vegas, NV 89119, or by FAX to: 702-798-2423.**

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

18. Disadvantaged Business Enterprise Requirements for Tribal Organizations

General Compliance, 40 CFR, Part 33

This assistance agreement is exempt from Fair Share goals negotiations and there are no reporting requirements. However, recipients are required to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement and to ensure that sub-recipients, loan recipients, and prime contractors are also in compliance with **40 CFR, Part 33, Subpart C**. As described in Subpart C, the good faith efforts should be followed only if they do not conflict with existing Tribal and Federal law.

In accordance with **40 CFR, 33.304(b)**, Tribal organizations awarded an EPA financial assistance agreement have the ability to solicit and recruit Indian organizations and Indian-owned economic enterprises and give them preference in the award process prior to undertaking the six good faith efforts. By accepting this agreement, the grantee agrees to follow the guidelines of the Buy Indian Act. <http://www.gpo.gov/fdsys/pkg/FR-2013-06-07/pdf/2013-13255.pdf>.

MBE/WBE Reporting

Reporting requirements for this grant are waived by EPA Region 10.

All Other Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF DOCUMENT

Valiere, Lucita

From: Dana Sarff [dana.sarff@makah.com]
Sent: Wednesday, February 12, 2014 4:42 PM
To: Valiere, Lucita
Cc: 'Seraphina Peters'
Subject: EPA/Makah DERA MSFF Project Extension

Importance: High

Hi Lucita,

The Makah Tribe is formally requesting an extension of EPA DERA Grant No. DE-00J50501 for the Makah Sustainable Fishing Fleet Project. We are requesting that the grant period be extended beyond March 31, 2014 to March 31, 2015.

This project has experienced systemic issues, which, due to no single one of them, has culminated in several challenges that we must work through. These challenges include the following:

Information on vessel repower costs that was provided to us by Platypus Marine that we were working with during the project and grant development, writing, and submittal process were very low. After we received the grant and went through the RFQ/RFP process it became evident from the three bids submitted for these vessels, (from Platypus, Haven, and Bluewater) that even if we went with the lowest bid for each vessel, we could not do nine vessels at the 25%/75% ratio. This was due not only to the size of the vessels, but also their configuration for certain fisheries. This resulted in an increase in the owners match to between 41%-42%. Although we have tried to communicate the issues to participating vessel owners through outreach and education, this has resulted in some vessel owners dropping out of the project with replacement by vessels on the waiting list. This also caused some negative feedback from a handful of vessel owners about the project and the project management team. These issues were communicated to upper management, Council, and to the EPA through communications and letters that were sent by these vessel owners questioning the entire process as it is being managed. Through a series of communications with upper management and Council and conference calls with the EPA we feel that although we have worked through these concerns, that time was lost in addressing these issues. Also, because the match has gone up the vessel owners have needed more time to come up with their share. Add to this a 2012 fishing season that was not good and a 2013 fishing season that has been challenging due to the failure of our commercial fishing dock. We now have a temporary fish buying site/facility that is nearing completion and the new permanent commercial dock that is under construction is well under way. We hope that the 2014 fishing season will be better, allowing us to complete the project.

To date, we have repowered the Sunstar and the Increase. We have the Guarda Maria, Turning Point, Mariah Mae, Sea Hunter, and the Wanda Mae in dry dock. These vessels should be done by the opening of our halibut season in March. We still have two vessels remaining however we cannot repower these now until after the 2014 fishing season is over which will be sometime this next fall. In order to accommodate any contingencies, we are asking for a one year extension, however we do anticipate that barring further challenges, we can be done sooner than this.

We are developing our quarterly report, which will be more specific about any additional challenges that we perceive we may be facing.

Thanks for your help and support on this project.

Dana Sarff
Makah Fisheries/Environmental Division Manager
P.O. Box # 115
Neah Bay, WA 98357

Phone: 360-645-3151

Cell: (b) (6)

E-mail: dana.sarff@makah.com or for G-mail users please send to (b) (6)